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February 7, 2020

**VIA ELECTRONIC CASE FILING**

Hon. Sanket J. Bulsara, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Hamilton v. City of New York et. al., 15-CV-4574 (CBA) (SJB)**

Your Honor:

In accordance with the Court's scheduling order of November 19, 2019, please accept this letter as Edelstein & Grossman's response to the pending motions with respect to charging liens (Docs. 177 and 179).

Edelstein & Grossman ("EG") has engaged in negotiations with the Plaintiff's current counsel, Elefterakis, Elefterakis & Panek ("EEP"), with respect to its charging lien. As a result of these negotiations, EG and EEP have agreed between themselves to fix EG's compensation for work performed in this case at \$200,000. It is agreed by EG and EEP that \$200,000 represents fair and just compensation.

For the information of the Court, the following work was done by EG in connection with this matter,<sup>1</sup> beginning with the filing of the Notice of Claim with the New York City Comptroller's office and continuing through EG's discharge in December 2017:

1. Drafted the Notice of Claim;
2. Attended the GML § 50-h hearing;

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<sup>1</sup> EG also represented Mr. Hamilton in his underlying criminal case and in litigation before the New York State Court of Claims. The work done by EG in the criminal and Court of Claims matters is not included in this list. This list

3. Drafted the Complaint and arranged for service of summonses or waiver of service;
4. Responded to defendant City of New York's letter requesting a pre-motion conference for purposes of making a Rule 12(b)(6) motion, and negotiated the bifurcation of the Monell claim in exchange for them not making the motion;
5. Prepared Rule 26(a) initial disclosures, responded to the defendants' discovery demands, and arranged scheduling matters with opposing counsel;
6. Drafted and served interrogatories and discovery demands;
7. Reviewed the discovery produced by the defendants;
8. Arranged for examination of the plaintiff by psychologist Orly Calderon, discussed the examination with Dr. Calderon and exchanged her report;
9. Attended all court appearances and conferences;
10. Litigated discovery disputes over Detective Scarella's personnel file and Mr. Hamilton's employment records, and per court order, conferred with attorneys for Billy White and reached agreement regarding production of his personnel file;
11. Attended six depositions -- Kim Freeman, Louis Scarella, Billy White, Leemarvin Benton, Mattie Dixon (third EBT), Derrick Hamilton. Jonathan Edelstein was sole counsel at the Freeman deposition and was the questioning attorney at the White, Benton, and third Dixon depositions. Attendance at all depositions included preparation;
12. Drafted, circulated and submitted joint status letter of October 16, 2017 in response to court order;
13. Conducted research on legal issues relevant to the case;
14. Attended meetings and conferences with Mr. Hamilton and co-counsel.

The undersigned therefore requests that the Court (i) approve the settlement between EG

and EEP; and (ii) order the sum of \$200,000 to be released to EG as soon as EEP receives the proceeds of the settlement of the underlying action. This request is made so that EG's agreed compensation will not be held in limbo pending litigation and appeals by other law firms. Given that the total legal fee in this case exceeds \$2 million, the release of EG's portion of the fee at this juncture will not prejudice any party and will leave a more than sufficient pool of funds to resolve all other claims.

I am authorized by EEP's counsel to state that EEP does not object to the relief requested in this letter.

EG takes no position with respect to the liens asserted by other counsel.

The Court's consideration in this matter is appreciated.

Respectfully submitted,

/s/ Jonathan I. Edelstein

Jonathan I. Edelstein

cc: All Counsel (Via ECF)